

MICHIGAN TELECOMMUNICATIONS ACT (EXCERPT)
Act 179 of 1991

***** 484.2315 THIS SECTION IS REPEALED BY ACT 235 OF 2005 EFFECTIVE DECEMBER 31, 2009

484.2315 Text telephone-telecommunications device for the deaf, hard of hearing, or speech-impaired; relay service; advisory board; rates; discounts; recovery of costs; report; definitions.

Sec. 315. (1) The commission shall require each provider of basic local exchange service to provide a text telephone-telecommunications device for the deaf at costs to each individual who is certified as deaf or hard of hearing or speech-impaired by a licensed physician, licensed audiologist, or qualified state agency, and to each public safety answering point as defined in section 102 of the emergency telephone service enabling act, 1986 PA 32, MCL 484.1102.

(2) The commission shall require each provider of basic local exchange service to provide a telecommunication relay service whereby persons using a text telephone-telecommunications device for the deaf can communicate with persons using a voice telephone through the use of third party intervention or automated translation. Each provider of basic local exchange service shall determine whether to provide a telecommunication relay service on its own, jointly with other basic local exchange providers, or by contract with other telecommunication providers. The commission shall determine the technical standards and essential features of text telephone and telecommunication relay service to ensure their compatibility and reliability.

(3) The Michigan telecommunication relay service advisory board is created within the department. The board shall consist of 9 members. One member shall be the chair of the commission or his or her designated representative. One member shall be the director of the division on deaf and hard of hearing within the department or his or her designated representative. One member shall be a deaf consumer appointed by the director of the department upon the recommendation of the Michigan deaf association. One member shall be a hard of hearing consumer appointed by the department upon the recommendation of Michigan self-help for hard of hearing. One member shall be a speech impaired consumer appointed by the director of the department. Four members shall be appointed by the director of the department to represent telecommunication providers. Appointed members shall be appointed for terms of 4 years. A vacancy on the board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(4) The board shall designate from among its appointed members a chairperson and vice-chairperson, who shall serve for 2-year terms and who may be reelected. The board shall meet not less than 4 times each year. Special meetings may be called by the chairperson, or upon written request of not less than 4 board members. Meetings shall be held at a location designated by the chairperson.

(5) Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

(6) Staff services shall be performed by personnel of the department. Assistance shall also be made available, as requested by the board, from other agencies, departments, and authorities of the state. The board may employ a staff to assist it in the performance of its duties, subject to civil service rules and within fiscal restraints.

(7) A majority of the members appointed to and serving on the board constitute a quorum. A majority vote of the members voting shall be required to pass upon any question, action, or business of the board.

(8) The business performed by the board shall be conducted at a public meeting of the board. The board shall keep minutes of its proceedings, showing the vote of each member on each proposition or question, or indicating if a member is absent or fails to vote. A record of board action and business shall be made and maintained.

(9) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public.

(10) Rates and charges for calls placed through a telecommunication relay service shall not exceed the rates and charges for calls placed directly from the same originating location to the same terminating location. Unless ordered by the commission, a provider of a telecommunications relay service shall not be required to handle calls from public telephones except for calls charged collect, cash, to a credit card, or third party number.

(11) Notwithstanding any other provision of this act, a provider may offer discounts on toll calls where a text telephone-telecommunications device for the deaf is used. The commission shall not prohibit such discounts on toll calls placed through a telecommunication relay service.

(12) The commission shall establish a rate for each subscriber line of a provider to allow the provider to recover costs incurred under this section and may waive the costs assessed under this section to individuals who are deaf or severely hearing impaired or speech impaired.

(13) No later than January 1, 2008, the board shall conduct a study and report to the governor and the house and senate standing committees with oversight of telecommunication issues on the ability for deaf, hard of hearing, and speech-impaired customers to access telecommunication services. The report shall include, but is not limited to, activities by the commission to ensure reasonable access, impediments to access, identification of activities in other states to improve access, and recommendations for legislation, if any.

(14) As used in this section:

(a) "Board" means the Michigan telecommunication relay service advisory board created under subsection (3).

(b) "Department" means the department of labor and economic growth.

History: 1991, Act 179, Eff. Jan. 1, 1992;—Am. 2005, Act 235, Imd. Eff. Nov. 22, 2005.